

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

YADIRA CONTRERAS and ERICA KRONECK,
Plaintiffs,
-vs-
HERITAGE UNIVERSITY,
Defendant.

Case No. 1:22-CV-03034-MKD

CIVIL MINUTES

DATE: APRIL 28, 2025

**LOCATION: YAKIMA VIDEO
CONFERENCE**

**PRETRIAL CONFERENCE and MOTION
HEARING**

Honorable Mary K. Dimke		
Cora Vargas Courtroom Deputy	01 Law Clerk	Marilynn McMartin Court Reporter
Sydney A. Bay Lara R. Hruska Kaitlin Leifur-Masterson Plaintiffs' Counsel		Paul J. Triesch Defendant's Counsel

[X] Open Court

[] Chambers

[X] Video conference

Defendant's Motions in Limine, ECF No. 97.

- Comments in response to motion in limine numbers 1, 8, and 11
- Clarifying comments provided by Mr. Triesch

Court: Defendant's Motions in Limine, ECF No. 97, are **GRANTED** as orally ordered on the record.

Plaintiff's First Amended Motion in Limine, ECF No. 112.

- Argument by Ms. Bay in support of motions in limine
- Argument by Mr. Triesch in opposition
- Rebuttal argument by Ms. Bay

Court: Plaintiff's First Amended Motions in Limine, ECF No. 112, are **GRANTED IN PART, HELD IN ABEYANCE IN PART, and RESERVED IN PART** until trial, as orally ordered on the record. The Court finds good cause for witnesses Olson, DeBrino, Quintana, and Mr. and Mrs. Gunn to testify via video. The Court reserves ruling on remainder of requested video testimony. Plaintiffs' counsel shall submit an in-camera declaration to the Court regarding Mr. Fukiau's testimony by **April 29th**.

[X] ORDER FORTHCOMING

CONVENED: 1:09 P.M. 2:49 P.M.	ADJOURNED: 2:31 P.M. 3:59 P.M.	TIME: 2:32 HR.	CALENDARED []
--	---	-----------------------	-----------------------

CONTRERAS, et. al. -vs- HERITAGE UNIVERSITY

April 28, 2025

1:22-CV-03034-MKD

Page 2

Pretrial Conference/Motion Hearing

Plaintiffs' Motion to Admit the Declaration of Dr. Sharon Luke (ECF No. 34) as Evidence Due to Witness Unavailability Under FRE 804, ECF No. 101.

- Argument by Ms. Leifur-Masterson in support of motion
- Argument by Mr. Triesch in opposition
- Rebuttal argument by Ms. Leifur-Masterson

Court: Plaintiffs' Motion to Admit the Declaration of Dr. Sharon Luke (ECF No. 34) as Evidence Due to Witness Unavailability Under FRE 804, ECF No. 101, is **HELD IN ABEYANCE**.

The Court heard argument from Mr. Triesch and Ms. Bay regarding Defendant's Objections to Plaintiffs' Deposition Cross Designations, ECF No. 106.

Recess: 2:31 p.m.

Reconvene: 2:49 p.m.

Court: following review of the declaration during recess, the Court **DENIES** Plaintiffs' Motion to Admit the Declaration of Dr. Sharon Luke (ECF No. 34) as Evidence Due to Witness Unavailability Under FRE 804, ECF No. 101. The Declaration of Dr. Sharon Luke is **EXCLUDED**.

The Court continued to hear argument from Mr. Triesch and Ms. Bay regarding Defendant's Objections to Plaintiffs' Deposition Cross Designations, ECF No. 106, and issued oral rulings.

The Court and counsel discussed procedures for displaying exhibits during trial.

Counsel may pick up juror questionnaires on Thursday, May 1st, as early as 10:00 a.m. from the Yakima Clerk's Office.

The Court heard argument from Mr. Triesch and Ms. Bay regarding objections to exhibits – arguments to continue during subsequent hearing.

Court: an additional Pretrial Conference will be held on Wednesday, **April 30th**, at **10:00 a.m.** by video conference.

Counsel shall submit additional jury instructions regarding breach of covenant of good faith and fair dealing by Tuesday, **April 29th**.

Counsel shall exchange any PowerPoint presentations no later than Friday, **May 2nd**.

Any briefing regarding admission of Cody Rodman's declaration shall be filed by **April 29th**.

The Court proposed selecting 10 jurors based on the length of trial (7 days).

- No objection by counsel